

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

VICTOR T. WARD

v.

MICHAEL J. ASTRUE

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Civil No. JFM-09-2514

MEMORANDUM

Plaintiff instituted this pro se complaint against Michael J. Astrue, the Commissioner of the Social Security Administration, and Emmett Lamont Avery, in the District Court of Maryland for Baltimore County. The Commissioner removed the action to this court.

According to the allegations in the complaint, Avery is a manager of the Social Security Administration who requested and received \$2,500 in cash “for personal reasons” from plaintiff.

The Commissioner has moved to dismiss on the ground that plaintiff’s claim arises from an entirely private dispute between plaintiff and Avery for which the Commissioner and the Social Security Administration are not responsible. The Commissioner’s motion will be granted.

Nothing in the complaint indicates that Avery borrowed money from plaintiff during the course of his official duties at the Social Security Administration. To the contrary, as indicated above, the complaint affirmatively states that the loan was “for personal reasons.”

In light of the facts that there is no federal diversity of citizenship jurisdiction over the controversy between plaintiff and Avery and that plaintiff’s claim does not arise under federal law, this action will be remanded to the District Court of Maryland for Baltimore County for resolution of plaintiff’s claim against Avery.

A separate order effecting the rulings made in this memorandum is being entered herewith.

DATE: 11/23/2009

/s/
J. Frederick Motz
United States District Judge